



Control Number: 49043



Item Number: 9

Addendum StartPage: 0

2019 JAN 30 PM 2:05

PETITION OF THE CITIES OF
GARLAND, MESQUITE, PLANO
AND RICHARDSON APPEALING
THE DECISION BY NORTH TEXAS
MUNICIPAL WATER DISTRICT
AFFECTING WHOLESALE
WATER RATES

§
§
§
§
§
§
§

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

CITY OF FORNEY'S MOTION TO INTERVENE

COMES NOW the City of Forney ("Forney") and files this Motion to Intervene in this docket concerning the petition filed by the Cities of Garland, Mesquite, Plano and Richardson ("Petitioners") appealing the fiscal year 2019 wholesale water rates established by the North Texas Municipal Water District ("NTMWD"). In support of its motion, Forney would respectfully show as follows:

I. INTRODUCTION

Pursuant to Order No. 1 and 16 Tex. Admin. Code §§ 22.101–04 ("TAC"), Forney seeks to intervene in this proceeding. As set forth below, Forney has a justiciable interest that may be adversely affected by the outcome of this proceeding.

II. AUTHORIZED REPRESENTATIVES

The name and address of the movant is:

City of Forney
101 Main Street East
Forney, Texas 75126

Forney's authorized representatives for service of all pleadings and other documents in this docket are:

Jim Mathews
Benjamin Mathews
Mathews & Freeland, LLP
8140 N. Mopac Expy
Suite 2-260

Austin, Texas 78759
Telephone: (512) 404-7800
Facsimile: (512) 703-2785
Email: jmathews@mandf.com; bmathews@mandf.com

All pleadings, motions and other documents in this proceeding should be served on Forney's authorized representatives.

III. TIMELINESS OF INTERVENTION

The deadline for timely interventions is 45 days from the date an application is filed with the Commission, unless otherwise provided by statute, Commission rule, or order of the presiding officer. 16 TAC § 22.104(b). Pursuant to Order No. 1 in this docket, the deadline to intervene in this proceeding is February 3, 2019. This motion is timely filed.

IV. JUSTICIABLE INTEREST

A person has standing to intervene if that person (1) has a right to participate which is expressly conferred by statute, Commission rule or order or other law; or (2) has or represents persons with a justiciable interest which may be adversely affected by the outcome of the proceeding. 16 TAC § 22.103(b).

Forney is a duly incorporated home rule city under the Texas Constitution and a retail public utility providing retail water service to approximately 50,000 residents in Kaufman County. Forney is a member city of NTMWD. Forney receives its wholesale treated water supply from the same NTMWD system used to supply treated water to Petitioners. Forney is one of the "other appropriate parties" who was served with a copy of the petition pursuant to 16 TAC § 24.305(b).

Petitioners appeal a rate change action taken by NTMWD pursuant to Texas Water Code §§ 12.013 and 13.043(f), and 16 TAC §§ 24.301–21. Petitioners assert, among other things, that NTMWD has abused its monopoly power and that the rates established by NTMWD are unreasonably preferential, prejudicial, and discriminatory, and adversely affect the public interest.

If the Commission determines the protested rates adversely affect the public interest, this may affect the rates Forney and its residents pay for water service. Therefore, Forney has a justiciable interest in this rate appeal.

V. PRAYER

WHEREFORE, PREMISES CONSIDERED, Forney respectfully requests that this motion to intervene be granted, that Forney be granted party status, and that Forney receive any and all relief to which it shows that it is justly entitled.

Respectfully submitted,

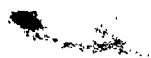
A handwritten signature in black ink, appearing to read "Jim Mathews", written over a horizontal line.

Jim Mathews
State Bar No. 13188700

Benjamin Mathews
State Bar No. 24086987


Mathews & Freeland, LLP
8140 N. MoPac Expy
Ste. 2-260
Austin, Texas 78759
Telephone (512) 404-7800
Facsimile (512) 703-2785
Email: jmathews@mandf.com
bmathews@mandf.com

ATTORNEYS FOR THE CITY OF
FORNEY



CERTIFICATE OF SERVICE

I hereby certify that true and correct copy of the foregoing document has been served on all parties of record on January 30, 2019 in accordance with 16 Tex. Admin. Code § 22.74.



Jim Mathews